

(June 25, 1947, ch. 125, §32, as added Pub. L. 104-170, title II, §210(j), Aug. 3, 1996, 110 Stat. 1501.)

#### REFERENCES IN TEXT

Section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (a)(1), was classified to section 5882 of this title prior to repeal by Pub. L. 104-127, title VIII, §862(a), Apr. 4, 1996, 110 Stat. 1174.

#### § 136x. Severability

If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this subchapter which can be given effect without regard to the invalid provision or application, and to this end the provisions of this subchapter are severable.

(June 25, 1947, ch. 125, §33, formerly §26, as added Pub. L. 92-516, §2, Oct. 21, 1972, 86 Stat. 998; renumbered §30, Pub. L. 95-396, §24(1), Sept. 30, 1978, 92 Stat. 836; renumbered §33, Pub. L. 104-170, title I, §121(1), Aug. 3, 1996, 110 Stat. 1492.)

#### EFFECTIVE DATE

For effective date of section, see section 4 of Pub. L. 92-516, set out as a note under section 136 of this title.

#### § 136y. Authorization of appropriations

There is authorized to be appropriated to carry out this subchapter (other than section 136u(a) of this title)—

- (1) \$83,000,000 for fiscal year 1989, of which not more than \$13,735,500 shall be available for research under this subchapter;
- (2) \$95,000,000 for fiscal year 1990, of which not more than \$14,343,600 shall be available for research under this subchapter; and
- (3) \$95,000,000 for fiscal year 1991, of which not more than \$14,978,200 shall be available for research under this subchapter.

(June 25, 1947, ch. 125, §34, formerly §27, as added Pub. L. 92-516, §2, Oct. 21, 1972, 86 Stat. 998; amended Pub. L. 94-51, July 2, 1975, 89 Stat. 257; Pub. L. 94-109, Oct. 10, 1975, 89 Stat. 571; Pub. L. 94-140, §3, Nov. 28, 1975, 89 Stat. 752; renumbered §31 and amended Pub. L. 95-396, §§24(1), 25, Sept. 30, 1978, 92 Stat. 836, 838; Pub. L. 96-539, §3, Dec. 17, 1980, 94 Stat. 3195; Pub. L. 98-201, §2, Dec. 2, 1983, 97 Stat. 1380; Pub. L. 99-198, title XVII, §1768, Dec. 23, 1985, 99 Stat. 1656; Pub. L. 100-532, title VII, §701, Oct. 25, 1988, 102 Stat. 2679; renumbered §34, Pub. L. 104-170, title I, §121(1), Aug. 3, 1996, 110 Stat. 1492.)

#### CODIFICATION

Another section 1768 of Pub. L. 99-198 enacted sections 154a and 159 and amended sections 151, 154, and 157 of Title 21, Food and Drugs.

#### AMENDMENTS

1988—Pub. L. 100-532 amended section generally. Prior to amendment, section read as follows: “There is authorized to be appropriated to carry out this subchapter for the period beginning October 1, 1985, and ending September 30, 1986, \$68,604,200 of which not more than \$11,993,100 shall be available for research under this subchapter.”

1985—Pub. L. 99-198 substituted provisions authorizing appropriations of \$68,604,200 for fiscal year 1986 of which not more than \$11,993,100 shall be available for research for former provisions which had authorized appropriations for fiscal years 1973 through 1984.

1983—Pub. L. 98-201 authorized necessary appropriations for period beginning Oct. 1, 1983, and ending Sept. 30, 1984, not in excess of \$64,200,000.

1980—Pub. L. 96-539 inserted provisions authorizing appropriations for period beginning Oct. 1, 1979, and ending Sept. 30, 1980, and for period beginning Oct. 1, 1980, and ending Sept. 30, 1981.

1978—Pub. L. 95-396, §25, substituted appropriations authorization of \$46,636,000 for period beginning Oct. 1, 1976, and ending Sept. 30, 1977, for prior authorization of \$23,600,000 for period beginning Oct. 1, 1976, and ending Mar. 31, 1977, and authorized appropriations of \$54,500,000 for period beginning Oct. 1, 1977, and ending Sept. 30, 1978, and such sums as may be necessary, limited to \$70,000,000, for period beginning Oct. 1, 1978, and ending Sept. 30, 1979.

1975—Pub. L. 94-140 authorized appropriation of \$47,868,000 to carry out provisions of this subchapter for period beginning Oct. 1, 1975, and ending Sept. 30, 1976, and \$23,600,000 for period beginning Oct. 1, 1976, and ending Mar. 31, 1977.

Pub. L. 94-109 inserted provisions authorizing appropriation of \$5,983,500 for period beginning Oct. 1, 1975 and ending Nov. 15, 1975.

Pub. L. 94-51 authorized appropriation of \$11,967,000 to carry out provisions of this subchapter for period beginning July 1, 1975, and ending Sept. 30, 1975.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 701 of Pub. L. 100-532 provided that amendment made by Pub. L. 100-532 is effective Oct. 1, 1988.

#### EFFECTIVE DATE

For effective date of section, see section 4 of Pub. L. 92-516, set out as a note under section 136 of this title.

### CHAPTER 6A—NATIONAL LABORATORY ACCREDITATION

Sec.	Definitions.
138.	
138a.	National Laboratory Accreditation Program. <ol style="list-style-type: none"> <li>(a) Establishment of Program.</li> <li>(b) Standards.</li> <li>(c) Accrediting bodies.</li> <li>(d) Requirements.</li> <li>(e) Exceptions.</li> </ol>
138b.	Accreditation. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Requirements for accreditation.</li> <li>(c) Failure to meet accreditation standards.</li> <li>(d) Limited accreditation.</li> </ol>
138c.	Samples. <ol style="list-style-type: none"> <li>(a) Performance evaluation samples.</li> <li>(b) Results of testing.</li> <li>(c) Review of accreditation.</li> </ol>
138d.	Application. <ol style="list-style-type: none"> <li>(a) Contents of application.</li> <li>(b) Restrictions on submission of application.</li> </ol>
138e.	Reporting. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Timing of report.</li> <li>(c) Guidelines.</li> </ol>
138f.	Fees. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Amount of fee.</li> <li>(c) Reimbursement of expenses.</li> <li>(d) Adjustment of fees.</li> <li>(e) Appropriations prerequisite.</li> <li>(f) Authorization of appropriations.</li> </ol>
138g.	Public disclosure.
138h.	Regulations.
138i.	Effect of other laws.

**§ 138. Definitions**

As used in this chapter:

**(1) Agricultural product**

The term “agricultural product” means any fresh fruit or vegetable or any commodity or product derived from livestock or fowl, that is marketed in the United States for human consumption.

**(2) Certificate**

The term “certificate” means a certificate of accreditation issued under this chapter.

**(3) Laboratory**

The term “laboratory” means any facility or vehicle that is owned by an individual or a public or private entity and is equipped and operated for the purpose of carrying out pesticide residue analysis on agricultural products for commercial purposes.

**(4) Pesticide**

The term “pesticide” means any substance that alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in section 136(u) of this title.

**(5) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(Pub. L. 101-624, title XIII, §1321, Nov. 28, 1990, 104 Stat. 3562.)

**§ 138a. National Laboratory Accreditation Program****(a) Establishment of Program**

The Secretary shall administer a National Laboratory Accreditation Program under which laboratories that request accreditation and conduct residue testing of agricultural products, or that make claims to the public or buyers of agricultural products concerning chemical residue levels on agricultural products, shall be determined to meet certain minimum quality and reliability standards.

**(b) Standards**

The Secretary of Health and Human Services, after consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall establish, through regulations, standards for the National Laboratory Accreditation program<sup>1</sup> that shall include—

- (1) standards applicable to laboratories;
- (2) qualifications for directors and other personnel; and
- (3) standards and procedures for quality assurance programs.

**(c) Accrediting bodies**

The Secretary of Health and Human Services shall approve State agencies or private, non-profit entities as accrediting bodies to act on behalf of such Secretary in implementing the certification and quality assurance programs in accordance with the requirements of this section. In making such approvals the Secretary of Health and Human Services shall—

(1) oversee and review the performance of any accrediting body acting on behalf of the Secretary to ensure that such accrediting body is in compliance with the requirements of the certification program under this section; and

(2) have the right to obtain from an accrediting body acting on behalf of the Secretary and from any laboratory that may be certified by such a body all records and materials that may be necessary for the oversight and review required by paragraph (1).

**(d) Requirements**

To be accredited under this chapter, a laboratory shall—

(1) prepare and submit an application for accreditation to the Secretary; and

(2) comply with such terms and conditions as are determined necessary by the Secretary and the Secretary of Health and Human Services.

**(e) Exceptions**

This chapter shall not apply to—

(1) a laboratory operated by a government agency;

(2) a laboratory operated by a corporation that only performs analysis of residues on agricultural products for such corporation or any wholly owned subsidiary of such corporation and does not make claims to the public or buyers based on such analysis;

(3) a laboratory operated by a partnership that only performs analysis of residues on agricultural products for the partners of such partnership and does not make claims to the public or buyers based on such analysis; or

(4) a laboratory not operated for commercial purposes that performs pesticide chemical residue analysis on agricultural products for research or quality control for the internal use of a person who is initiating the analysis.

(Pub. L. 101-624, title XIII, §1322, Nov. 28, 1990, 104 Stat. 3562.)

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 138b, 138c of this title.

**§ 138b. Accreditation****(a) In general**

The Secretary shall issue certificates of accreditation to laboratories that meet the requirements of this chapter, as determined by the Secretary.

**(b) Requirements for accreditation**

To receive accreditation under this chapter, a laboratory shall prepare and submit an application for accreditation to the Secretary and shall complete such required tests, and meet such standards as established under section 138a of this title.

**(c) Failure to meet accreditation standards**

The Secretary shall deny an application for accreditation or shall revoke any existing accreditation with respect to any laboratory that fails to meet the requirements for accreditation under this chapter.

<sup>1</sup> So in original. Probably should be capitalized.